

CCRB CASE CLOSING FORM

Investigator assigned Darien Corneliu		Team 2	CCRB# 9602675	FADO ABUSE
Date of incident June 8, 1996	Time of incident 0910 Hours	Location of incident 58 Manhattan Avenue	Pct of occurrence 024	Date SOL expires December 8, 1997
Date reported June 13, 1996	Time reported 1245 Hours	To whom/where/how reported The complainant, § 87(2)(b) appeared at our Office in person and alleged that Police Officers Harrington, McCormack and McDermott search his apartment		
Complainant § 87(2)(b)	Home address § 87(2)(b)			
Victim(s) SAME AS ABOVE	SAME AS ABOVE			
Witness(es) § 87(2)(b)				
Subject officer(s) (include rank) PO Christopher McCormack PO Michael McDermott PO Myles Harrington	Shield 18026 16439 01108	Tax 895704 891783 891610	Command MWS MWS MWS	
Witness officer(s) (include rank) NONE	N/A	N/A	N/A	
Allegation(s) by letter A. The cpl alleged that Police Officers Harrington, McDermott and McCormack searched his apartment.			Recommendation(s) § 87(2)(g)	

Summary

It is alleged that on Saturday, June 8, 1996, Police Officers Christopher McCormack, Michael McDermott and Myles Harrington came to the residence of § 87(2)(b) inquiring the whereabouts of an individual named § 87(2)(b). It is further claimed that § 87(2)(b) informed the officers that no such person lived in his apartment, however, Officers McDermott, Harrington and McCormack entered § 87(2)(b)'s residence and proceeded to search his apartment (Enclosure #1b)

The complainant, § 87(2)(b) alleged that on June 8, 1996 at about 8:50 AM, he was awakened by the constant ring of his doorbell. § 87(2)(b)'s girlfriend, § 87(2)(b) went to see who was ringing the doorbell. A moment later § 87(2)(b) heard § 87(2)(b) calling him to the door. § 87(2)(b) alleged that § 87(2)(b) told him it was the police looking for § 87(2)(b). § 87(2)(b) Perplexed, § 87(2)(b) proceeded to open the door half way. § 87(2)(b) claimed that there were three plainclothes police officers standing in his hallway identified as Police Officers Christopher McCormack, Michael McDermott and Myles Harrington. § 87(2)(b) informed the officers that there was not anyone named § 87(2)(b) living with him. Either Officer Harrington, McDermott or McCormack stated "It does not matter, you have to let us in your apartment." § 87(2)(b) further alleged that one of the officers had a sheet of paper. § 87(2)(b) § 87(2)(g) However, since § 87(2)(b) speaks Spanish, he did not understand what was on that document. § 87(2)(b) was not going to allow these officers to enter his premises and proceeded to close the door. As he proceeded to close the door, either Officers Harrington, McDermott or McCormack placed his foot at the doorway to § 87(2)(b)'s apartment, preventing the door to close. The officers repeated their request to search his apartment. Feeling obligated, § 87(2)(b) permitted them to search the premises. § 87(2)(b) also alleged that Police Officers McDermott, Harrington and McCormack did not destroy anything when they searched his apartment (Enclosure #3).

The witness, § 87(2)(b) alleged that on June 8, 1996 at about 8:50 AM, she heard someone at the door. § 87(2)(b) further alleged that she opened her door half way and asked who was knocking. Police Officers Harrington, McDermott as well as McCormack identified themselves as members of the service and informed her that they were looking for § 87(2)(b). § 87(2)(b) indicated to these officers that she did not know anyone by that name at which time, § 87(2)(b) told Officers McDermott, Harrington and McCormack to wait a minute while she called to Mr. § 87(2)(b). When § 87(2)(b) arrived at the door he along with the officers began to engage in conversation at which time, all three officers entered the apartment and proceeded to look for

§ 87(2)(b) § 87(2)(b) also alleged that the officers did not destroy anything while searching the premises. When Officers McDermott, Harrington and McCormack left the apartment, she followed them downstairs and observed them talking to § 87(2)(b) in the hallway beneath their apartment. § 87(2)(b) claimed that § 87(2)(b) was not arrested (Enclosure #4)

Police Officer Christopher J. McCormack stated that he was serving an HRA Social Services Warrant for § 87(2)(b). The Human Resources Administration (HRA) did a warrant match for example, name and date of birth. The results came back with a name (§ 87(2)(b)) at which time, Human Resources Administration brought the matter to the attention of the Manhattan Warrant Squad. Police Officer McCormack along with his partner, Harrington and McDermott responded to the address of § 87(2)(b). Upon their arrival, Officer McCormack discovered that the § 87(2)(b) he saw at that location (§ 87(2)(b)) was not the same individual whose name appeared on the warrant based on the physical description Human Resources Administration (HRA) supplied to the Police Department. Officer McCormack as well as Police Officers Harrington and McDermott searched two or three other apartments in that building before they found § 87(2)(b) inside his apartment. However, Officer McCormack was uncertain if § 87(2)(b) was one of the tenants whose apartment he entered in search of § 87(2)(b) (Enclosure #9)

Police Officer Michael McDermott stated that he had an HRA Warrant for § 87(2)(b). Upon entering the building on the first floor, McDermott along with his partners, Officers Harrington and McCormack made inquiries to residents regarding § 87(2)(b). They were informed to check upstairs. As Police Officers McDermott, Harrington and McCormack proceeded upstairs, they encountered another tenant in the hallway and asked about Mr § 87(2)(b) who directed them to the § 87(2)(b). When they arrived at the § 87(2)(b), Officers McDermott, Harrington and McCormack knocked on the apartment door at which time, an elderly Hispanic gentleman answered it (possibly the complainant, § 87(2)(b)). They identified themselves as members of the service having displayed their shields and showed § 87(2)(b) the search warrant. Officers McDermott, Harrington and McCormack asked if they could enter the premises to look for § 87(2)(b). Due to the language barrier, Officer McDermott was unsure if § 87(2)(b) comprehended what was going on when McDermott explained at length the procedure regarding the search warrant since § 87(2)(b) speaks Spanish. In any event, § 87(2)(b) complied at which time, Police Officers McDermott, Harrington and McCormack searched the premises with negative results and proceeded to the § 87(2)(b). Police Officer McDermott articulated that the § 87(2)(b) whose name appeared on the HRA Warrant was for someone who resided in the building, however, § 87(2)(b) did not commit the offense (the

§ 87(2)(g) kind of offense is unknown) Officer McDermott further explained that § 87(2)(b)'s (resident at § 87(2)(b)) brother-in-law used his name and date of birth therefore, the warrant was against the brother-in-law (name unknown). McDermott mentioned having observed a female at § 87(2)(b) apartment (most likely § 87(2)(b)), however, she never said anything to the officers while they conducted a search of § 87(2)(b)'s premises (Enclosure #13).

Police Officer Myles Harrington stated that he along with his partner, McDermott and McCormack were conducting a warrant investigation they received from Human Resources Administration (HRA) of § 87(2)(b). Officer Harrington stated that upon entering the building, they interviewed several tenants who told them that § 87(2)(b) lived upstairs. Officers Harrington, McDermott and McCormack went upstairs and knocked on the apartment door of an elderly Hispanic male (most likely the complainant, § 87(2)(b)). They identified themselves as members of the service having displayed their shields and asked if they could enter his premises. Harrington further stated that he explained to § 87(2)(b) the purpose of their investigation and handed a document (search warrant) granting them the right to examine his apartment. Police Officer Harrington recalled having seen a female (possibly the witness, § 87(2)(b)). Since neither of them speaks any English, Officer Harrington is not certain if Mr. § 87(2)(b) or § 87(2)(b) understood anything. However, Officer Harrington maintained that they had the proper document to search § 87(2)(b)'s premises (Enclosure #15).

Analysis

§ 87(2)(g)



§ 87(2)(g)

Investigator Darlene Cornslius

Date April 24, 1997

Supervisor: Gail Outar

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Reviewed by: _____

Date _____

Reviewed by: _____

Date _____